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James E. Hann

Attorney Docket No.: VASC 1020-1 US

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Praise Art
S. Bryce
4/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Inventors: Bruce J Barclay, et al SC/Serial No.: 09/740,597 Confirm. No.: 3762 Filed: 19 December 2000 Title: COVERED, COILED DRUG DELIVERY STENT AND METHOD	<u>PATENT APPLICATION</u> Group Art Unit: 3738 Examiner: Brian E. Pellegrino <u>Customer No. 22470</u>
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ A copy of each cited document as required by 37 C.F.R. §1.98. Also, enclosed is a copy of a PCT Search Report mailed 7 June 2002 for a corresponding PCT Application. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is

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satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

This statement should be considered because:

☒ **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following a and b) --

- ☐ (a) One of the following statements as set forth in 37 C.F.R. §1.97(e) apply (check one of the following 1 or 2):

- ☐ (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

- ☐ (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

-- OR --

- ☒ (b) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (VASC 1020-1). A duplicate copy of this authorization is enclosed.

Respectfully submitted,
Haynes Beffel & Wolfeld LLP

By: 
James F. Hann, Reg. No. 29,719

Date: January 23, 2003

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